



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Roback, et al.

Serial No.: 09/773,826

Filed: January 31, 2001

For: **Immunological Assay System and Method**)

) Confirmation No.: 7152

) Group Art Unit: 1743

) Examiner: Cross, Latoya I.

) Docket No. 050508-1030

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
OCT 22 2003
TC 1700

Sir:

The Office Action mailed October 6, 2003 (Paper No. 4) has been carefully considered. In response thereto, please consider the following remarks. It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No. 20-0778.

CERTIFIED MAILING

I hereby certify that this correspondence is being depopremised with the United States Postal Service as "**First Class Mail**," in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Arlington, VA 23213-1450 on 10.14.03.

Signature: -

Elaine Simmons

ELECTION/RESTRICTION

This is a full and timely response to the outstanding non-final Office Action (Paper No. 4) mailed from the USPTO on October 6, 2003. The Examiner has required Applicant to elect to prosecute one of two groups of claims identified in the Office Action. In response to the restriction requirement, Applicant respectfully elects **with traverse** to prosecute claims 1-11 and 25-29, identified in the Office Action as belonging to Group I.

Applicant expressly reserves the right to present the non-elected claims, or a variance thereof, in continuing applications to be filed subsequent to the present Application. Should the Examiner have any questions regarding this response, the Examiner is invited to telephone the Applicant's undersigned attorney.

Respectfully submitted,



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